BILL NO. G-73-08-26

GENERAL ORDINANCE NO. G- 21-73

AN ORDINANCE amending the General Ordinance G-97 by authorizing the vacation of an alley and two streets.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a public alley and two public streets by property owners having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on July 23, 1973 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns' Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley and two public streets in Fort Wayne, Allen County, Indiana, to-wit:

Those portions of Lumbard Street and Sidney Street and that particular alley that parallels said street and is located equal distant between them which lie between East Washington Blvd. on the North and Jefferds Avenue on the South.

SECTION 2. After passage of this Ordinance, approval by the Mayor, and legal publication, a duly certified copy of this ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

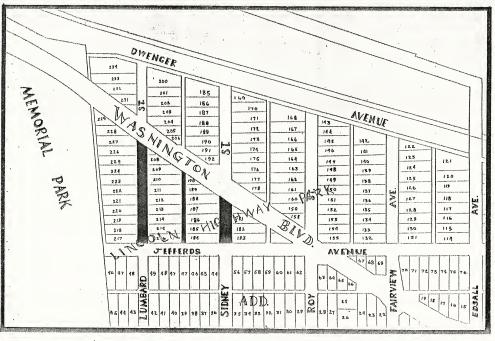
Councilman

APPROVED AS TO FORM
AND LEGALITY

Read the first time in full and on motion by 1. Achniet, seconded by
, and duly adopted, read the second time by title and referred
to the Committee on <u>Algulations</u> (and the City Plan
Commission for recommendation) and Public Hearing to be held after due legal notice,
at the Council Chambers, City-County Building, Fort Wayne, Indiana, on,
the day of , 197 , at
o'clock P.M.,E.S.T.
Date: 8/14/75 Charles Mustermun
Read the third time in full and on motion by
seconded by / lemmit , and duly adopted, placed on its passage.
Passed (LeeT) by the following vote:
AYES
BURNS
HINGA
KRAUS
MOSES
NUCKOLS
SCHMIDT, D
SCHMIDT, V.
STIER
TALARIGO V
DATE: 8-28-73 Cheffell Museum
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance
(Resolution) No. 19-21-73 on the 28th day of largush, 1973.
Olembelles Telephynes Winfull & Winso JR
ffluide/ff Tallslesseen PRESIDING OFFICER
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
day of hugush, 1973, at the hour of o'clock
A. M., E.S.T.
Saule Tillstone
Approved and signed by me this Author of hugust, 1973,
at the hour of of or clock P. M., E.S.T.
Swff Jesand /
PIALOR.

1 ps ...

Bill No. <u>G-73-08-26</u>
REPORT OF THE COMMITTEE ONREGULATIONS
We, your Committee on Regulations to whom was referred an Ordinance
amending the General Ordinance G-97 by authorizing the vacation
of an alley and two streets.
4
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have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS
John Nuckols - Chairman John Nuckoly
Vivian G. Schmidt - Vice-Chairman Wirian S. Allpridt
William T. Hinga William T Khunga
Paul M. Burns
Donald J. Schmidt
DATE (1) CONCURRED IN  CHARLES W. WESTERMAN, CITY CLERK



STREETS & ALLEY TO BE VACATED



July 25, 1973

#### COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Those portions of Lumbard Street and Sidney Street and that particular alley that parallels said street and is located equal distant between them which lie between East Washington Blvd. on the North and Jefferds Avenue on the South.

which was approved by the City Plan Commission at its regular meeting held July 23, 1973.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this 25th day of July, 1973.

retchen Wiegel

#### RESOLUTION

WHEREAS, Parker R. Whiting, has petitioned and requested the Plan Commission of Fort Wayne, to hold a public hearing on the vacation of the following public streets and alley in Fort Wayne, Allen County, Indiana, to-wit:

Those portions of Lumbard Street and Sidney Street and that particular alley that parallels said street and is located equal distant between them which lie between East Washington Blvd. on the North and Jefferds Avenue on the South.

all in accordance with the terms of IC 1971 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof and,

WHEREAS, said public hearing was held on July 23, ... 1973, and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alley;

NOW THEREFORE, be it resolved by the Plan Commission of Fort Wayne, that the vacation of said public street herein before described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Plan Commission of Fort Wayne, that the vacation of said public streets and alley hereinbefore described be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the action of the Plan Commission of Fort Wayne be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Fort Wayne, Allen County, Indiana.

STATE OF INDIANA )
COUNTY OF ALLEN )

I, \_\_\_\_\_Alan R. Grinsfelder \_\_\_President of the Plan Commission of Fort Wayne, do hereby certify that the above is a full, true and correct copy of a Resolution adopted by the Plan Commission of Fort Wayne, following a public hearing of said Commission held on July 23, 1973, and as the same appears of record in the

official	records	of	said	P1an	Commission.	Dated	this	23ra	day
of J	uly			, 1973	3.				

PLAN COMMISSION OF FORT WAYNE

y: Hom R. Grufelder President

STATE OF INDIANA )

COUNTY OF ALLEN )

PARKER R. WHITING, PETITIONER

BEFORE THE BOARD OF PUBLIC WORKS, THE PLAN COMMISSION OF THE CITY OF FORT WAYNE, INDIANA AND THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

#### PETITION TO VACATE TWO STREETS AND AN ALLEY

The undersigned, Petitioner, PARKER R. WHITING, hereby respectfully petitions the Board of Public Works, The Plan Commission of the City of Fort Wayne, Indiana and the Common Council of the City of Fort Wayne, Indiana, to vacate:

Those portions of Lumbard Street and Sidney Street and the alley which is parallel to but equal distant from the aforementioned streets which lie between East Washington Blvd. on the North and Jefferds Avenue on the South, and which are located within the city limits of the City of Fort Wayne, Indiana.

Comes now the Petitioner and represents the following:

- 1. That the Petitioner, PARKER R. WHITING, is the owner of Lots 184, 185, 186, 187 and 188; part of Lots 189, 190, 207, 208 and 209; Lots 210, 211, 212, 213, 214, 215, 216, 219, 220, 221, 222, 223, 224, 225, 226, and 227; and parts of Lots 228, 229 and 230 in Lincoln Highway Park Addition to the City of Fort Wayne, Indiana, as said plat appears in Plat Book No. 7 page 121 in the recorder's office of Allen County, Indiana, which lots lie immediately adjacent to the streets and alley sought to be vacated.
- 2. That the other property owners whose lots abutt said streets or alley sought to be vacated are as follows:

John E. and Cornelia Merrill 7116 Rose Ann Parkway Fort Wayne, Indiana 46804 Lots No. 217 and 218 Lincoln Highway Park Addition, whose lots front on Lumbard Street and Jefferds Avenue, and

James A. and Kenneth B. Ernst 3212 Eastbrook Drive Fort Wayne, Indiana Lots No. 180, 181, 182, 183, 156 and 157 in Lincoln Highway Park Addition, whose lots front on Sidney Street, Jefferds Avenue and East Washington Bl 3. That the below listed property owners lots are South of Jefferds Avenue or North of East Washington Blvd. but are adjacent to the streets and alleys sought to be vacated:

> Phillip E. and Judith Nelson 2522 Jefferds Street Fort Wayne, Indiana Lots 46 and the west 1/2 of Lot 47, Lincoln Highway Park Addition,

> Olivia and Abbie J. Robinson 2530 Jefferds Avenue Fort Wayne, Indiana the East 1/2 of Lot 47 and Lot 48, Lincoln Highway Park Addition,

> Betty L. Osgood 951 Waverly Hts. Drive Thousand Oaks, California Lot 49, Lincoln Highway Park Addition,

Lileth M. Kain, Louise J. Stovall and Helen R. Orr 2626 Jefferds Avenue Fort Wayne, Indiana Lots 50, 53, 54 and 55, Lincoln Highway Park Addition,

Russell W. and Lileth Kain 2626 Jefferds Avenue Fort Wayne, Indiana Lots 51 and 52, Lincoln Highway Park Addition,

Eva Mae Ernst 3212 Eastbrook Drive Fort Wayne, Indiana Lots 56, 57, 58 and 59 Lincoln Highway Park Addition,

Ralph H. and Glen I. Bentz 2728 Jefferds Avenue Fort Wayne, Indiana Lots 60, 61 and 62, Lincoln Highway Park Addition,

Max D. and Yvonne R. Brand 2575 E. Washington Blvd. Fort Wayne, Indiana Lots 204, 205 and 206, Lots 230, 231 and 232, Lincoln Highway Park Addition,

T. E. White Co., Inc. 1100 Sidney Street Fort Wayne, Indiana Lots 192 and 193, Lincoln Highway Park Addition,

Sam Levine P. O. Box 1107 Fort Wayne, Indiana Lot 177, Lincoln Highway Park Addition.

- 4. That the only other persons, firms or corporations which might be particularly interested in the requested vacation is the City of Fort Wayne, Indiana.
- 5. That the streets and alley sought to be vacated are neither necessary for ingress or egress, nor as rights-of-way for any of the abutting owners or any other property owners in the City of Fort Wayne, Indiana.
- 6. That said streets and alley are not necessary nor advantageous in any manner to the growth of the City of Fort Wayne, Indiana; that the vacation of said streets and alley will not leave any real estate in the City of Fort Wayne without ingress or egress by means of a public way or street, and that, in fact, all property owners abutting upon said streets and alley sought to be vacated have more than adequate means of ingress and egress and rights-of-way to their properties.
- 7. That the vacation of said streets and alley will not cut-off public access to any church, school or public grounds, and that it would be in the best interest of the City of Fort Wayne and the citizens thereof that said streets and alley be vacated.
- 8. That the streets and alley as they now exist bisect the property owned by the Petitioner, and Petitioner is in the process of planning and contracting for the making of substantial improvements on said property in the form of the construction of a commercial building and the existence of said streets and alley would make the improvement of Petitioner's property, for all practical purposes, impossible and would constitute a substantial burden on Petitioner, and the vacation of said streets and alley would not adversely affect any public purpose but would enable your Petitioner and the other adjacent landowners to make a more advantageous and proper development of the property in question.

WHEREFORE, your Petitioner prays that the streets and alley hereinabove described be vacated according to the provisions

of the Indiana Law pertaining thereto.

Dated this 13 day of July, 1973.

PARKER R. WHITING

STATE OF INDIANA )

COUNTY OF ALLEN )

SS:

### AFFIDAVIT

LaRita M. Westerman, the undersigned, being first duly sworn upon her oath, hereby certifies that copies of a certain Notice and Petition to Vacate Two Streets and an Alley were mailed by Certified Mail on the 12th day of July, 1973, to the property owners listed below whose lots either abutt or are in the immediate vicinity of said streets and alley sought to be vacated.

John E. and Cornelia Merrill 7116 Rose Ann Parkway Fort Wayne, Indiana 46804

James A. & Kenneth B. Ernst 3212 Eastbrook Drive Fort Wayne, Indiana

Phillip E. & Judith Nelson 2522 Jefferds Street Fort Wayne, Indiana

Olivia & Abbie J. Robinson 2530 Jefferds Avenue Fort Wayne, Indiana

Betty L. Osgood 951 Waverly Hts. Drive Thousand Oaks, California

Lileth M. Kain, Louise J. Stovall and Helen R. Orr 2626 Jefferds Avenue Fort Wayne, Indiana

Russell W. & Lileth Kain 2626 Jefferds Avenue Fort Wayne, Indiana

Eva Mae Ernst 3212 Eastbrook Drive Fort Wayne, Indiana

Ralph H. & Glen I. Bentz 2728 Jefferds Avenue Fort Wayne, Indiana

Max D. & Yvonne R. Brand 2575 E. Washington Blvd. Fort Wayne, Indiana T.E. White Co., Inc. 1100 Sidney Street Fort Wayne, Indiana

Sam Levine P. O. Box 1107 Fort Wayne, Indiana

AFFIANT FURTHER SAYETH NAUGHT.

Jakita M. Westerman

Margares Louise Line Notary

Subscribed to and sworn before me, a Notary Public in and for said County of Allen, State of Indiana, this 12th

%б July, 1973.

My Commission Expires:

Fib 15, 1974

·Number	assigned by	Dave	Keller's	Office:	# 3202	Admn.	Appr.	
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## DIGEST SHEET

2-13-08-26

TITLE OF ORDINANCE Street and Alley vacation Ordinance
DEPARTMENT REQUESTING ORDINANCE City Plan Commission
SYNOPSIS OF ORDINANCE Preparation of streets and alley vacation ordinance
initiated by property owners to vacate the following described real estate:
Those portions of Lumbard Street and Sidney Street and that particular
alley that parallels said street and is located equal distant between
them which lie between East Washington Blvd on the North and Jefferds Avenue
on the South.
Vacated  EFFECT OF PASSAGE  Streets and alley would be utilitized by property
Owners.
EFFECT OF NON-PASSAGE Streets and alley would remain open.
MONEY INVOLVED (Direct Costs, Expenditures, Savings) none.
A SCIENTED THE COMMITTEE (IN)

# · ORDINANCE CHECK-OFF SHEET

### INFORMATION REGARDING ORDINANCE

PEOPLE SPEAKING AGAINST

# ' CONTENTS OF ORDINANCE

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	CORRECTIONS MADE TO ORDINANCE						
	PEOPLE SPEAKING FOR ORDINANCE						

CITY OF FORT WAYNE
CITY-COUNTY BUILDING
ONE EAST MAIN STREET
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN CITY CLERK

August 30, 1973

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of September 1, and September 8, 1973, in both the News Sentinel and Journal Gazette.

RE: Legal Publication for Common Council of Fort Wayne, Indiana:

General Ordinance No. G-20-73 -Authorizing the vacation of an alley and two streets.

General Ordinance No. G-21-73 Authorizing the vacation of an alley and two streets.

General Ordinance No. G-22-73 Authorizing the vacation of an alley north of Creighton Avenue.

General Ordinance No. G-23-73 Amending certain sections of Chapter 31 of the 1946 Municipal Code of the City Fort Wayne, Indiana.

Please send us 4 (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

CWW/ne ENCL: 4 Charles W. Westerman City Clerk

Form Prescribed by State Board of Accou		Genera	l Form No. 99	P (Rev. 1967
Common Council-City of Ft. W	ayne	To JOURNAL-GAZ	ETTE	Dr
Allen County,	Ind.	FORT WAYNE,	INDIANA	
	PUBLISHER'S CLAIM			
LINE COUNT				
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Head number of lines				
Body number of lines			94	
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Total number of lines	in notice		96	
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Form Prescribed by State Boar		General 2	Form No. 99 P (Rev 1967)
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Allen	County, Ind.	FORT WAYN	E. INDIANA
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— number of li			-
Body number of l			94
Tail number of l			2
Total numbe	er of lines in notice		96
COMPUTION OF CHARGES			
96 lines	columns wide course	equivalent lines at •288¢	on //
centa per m	ie	bular work (50 per cent of above	s 27.65
amount)	s notices containing rule or tar		
Charge for extra pro	ofs of publication (50 cents for $\epsilon$	each proof in excess of two) (2)	
TOTAL AMO	OUNT OF CLAIM		\$ 28.65
DATA FOR COMPUTING COST			
Width of single colur	nn 11 ems	Size of type $5\frac{1}{2}$ point	
Number of insertion	s2	Size of quad upon which type is	cast 5½
Pursuant to the provision and pe	analties of Ch 90 Acts 1007		
Notice is hereby given the day of August, 1973, the Com-			erk
Notice is hereby given the day of August, 1973. The Com- the City of Fort Wayne, India lar Session did pass the foll G-73-68-26, G-21-73 General (	et on the 28th non Council of non Ju a Regu-		
811 No. G-72-02.2 General:  An Ordinance amending in dinance G-87 by outher tall of the control	that She is Cl	before me, a notary public in and for M. Hostman	ho, being duly sworn, say
WAYNE, INDIANA: SECTION 1. Petition for the public alley and two public st erty owners having been filed Wayne City Plan Commission	that She is CI reels by prop- with the Fort a and resolu-	WS-SENT INEL	of th
tion having been duly adopte Wayne City Plan Commissio 1973 following a public hearly in accordance with Section 44	d by the Fort on July 23, go thereon, oil Chopter 174, sembly of the	newspaper of general circula age in the city of FORT WAY!	-
A for the Acts of the General As State of Indiana, as amended Chapter 385, of the Acts of 19 eral Assembly of the Stat (Burns' Ind. Stat., 1964 Repi		foresaid, and that the printed matter atta shed in said paper for 2 time 5, the	ched hereto is a true copy
53-744), the Thoroughtare Plo in General Ordinance No. G- the Common Council of the Wayne on November 26, 1963	n as set forth as follows: City of Fort I, is amended	September 1, 1973	
two public streets in Fort County, Indiana, to-wit: Those portions of Lumber Sidney Street and that par	Wayne, Allen d Street and ficular alley	September 8, 1973	osticias
that parallels said streef ar equal distant between them tween East Washington B North and Jefferds Avenue of	ticular alley dis located which lie be- lived, on the n the South, of this Ordi- or, and legal copy of this	n to before me this 14th day of the	September 17
SECTION 2. After possage nance, approval by the May publication, a duty certified ordinance, of the recommen Fort Wayne City Plan Comm the action of the Mayor, sh milted by the City Clerk to	of this Ordi- or, and legal copy of this dation of the ission, and of My commission expir	Notary	
Indiana	Fort Woyne,		
SECTION 3. This Ordinanc full force and effect from and sage and approval by the May VIVIAN G	e shall be in after its pas- or. SCHMIDT,		San
Read the third time in ful tion by Uuckols, seconded b and duly adopted, placed or	OUNCILMAN I and on mo- y V. Schmidt, Its passage.		
full force and effect from and sage and approval by the Alay VIVIAN & The Alay of the Alay	raus, Moses, hmidt, Stier,		
Neys: None Date: 8-28-73 Charles W. 7 Passed and adapted by Council of the City of Fark as General Ordinance No. G 28th day of August, 1973. ATTEST: (SEAL Charles W. Westerman Windi	Vesterman, City Clerk the Common tyne, Indiana, 1313 and the		
28th day of August, 1973. ATTEST: (SEAL Charles W. Westerman Winfl	eld C. Moses,		
City Clerk Presented by yme to the i City of Fort Woyne, Indiano day of August, 1973, at the	ilding Officer Agor of the , on the 29th hour of 10:00		
Charles W. Westerman Winli City Clerk Presented by me Pre Presented by me to the City of Fort Woyne, Incidion day of August, 1973, of the o'clock P.M. E. Charles W. Approved and signed by me of August, 1973, of the hour o P.M. E.S.T. I VAN A. L. IVAN A.	Westerman, City Clerk this 29th day # 4:00 o'clock		
of August 1973, of the hour of PAN, E.S.*.  I, Charles W. Westermon, City of Pert Wayne, Indiano, direction of the Pert Wayne, Indiano, direction of the end of the e	EBAMOFF, Mayor Clerk of the o hereby cer-		
tify that the above and foregree and complete copy of nance No. G-21-73 passed by Council on the 28th day of Aug	Ing Is a full, ieneral Ordi- the Common ust, 1973, and		
approved by the Mayor on the August, 1973 and now remains on record in my office.  WITNESS my band, and the	e 29th day of i on file and official scal		
of the City of Fort Wayne, 29th day of August, 1973. CHARLES W. WE	Indiana, this STERMAN, CITY CLERK		